



Michigan Supreme Court REPORT

Volume 1, Number 1

February 2002

Message from the Chief Justice:



Chief Justice
Maura D. Corrigan

Following the September 11 attack, I wrote to Judith S. Kaye, Chief Judge of the State of New York, offering the sympathy and support of Michigan's judicial branch. Judge Kaye replied, thanking me for the letter and enclosing some observations about September 11's impact on New York's courts. Although the events Judge Kaye describes are heart-wrenching, her ultimate message is one of hope and perseverance in the cause of justice.

New York's Chief Judge shares sorrow, inspiration from September 11

Where were you on September 11, 2001? Surely none of us will ever forget ... yesterday I received a list of members of our own court family directly impacted by the disaster. I expected it to be a substantial list—I've seen so much sadness in the faces of our people as I've visited the New York City courts. We all grieve for the loss of three court officers who, along with many of our court officers, joined the remarkably selfless rescue officers who rushed to the site on September 11. Our court officers now wear black bands on their badges. We all mourn with them.

I knew the list of court family members impacted by the disaster would be large, but I was frankly astonished to see more than 50 names—judges, court personnel, even in other parts of the state, who have missing (now presumably lost) spouses, children, siblings, cousins, nieces and nephews—firefighters, police officers, World Trade Center employees, investment bankers, lawyers, a court clerk in Queens missing her two firefighter sons. Our personal sadness is very deep. Our hearts are broken ... that's the horrible downside of what happened here on September 11.

But there is also an upside, because our spirit is not, and cannot be, broken ...

The physical needs [after the courts re-opened] were obvious ... New issues reveal themselves daily. An estimated 14,000 lawyers were lost or displaced on September 11—some without office space, some without access to files. More than 1,300 attorneys registered the World Trade Center as their business address. From creative, committed people came wonderful ideas, like the courts providing, free of charge, copies of lost records, computer runs of an attorney's cases, even assisting lawyers in reconstructing lost client lists ... We quickly discovered that we will need to expedite Family Court permanency proceedings, to assist with newly orphaned children ...

Please see NEW YORK, page 6

This Issue

<i>Editor's Note</i>	2
<i>New magistrates required to complete training</i>	2
<i>Good news stories from Region II trial courts</i>	3
<i>Honorable Mentions</i>	4
<i>Demystifying scientific evidence</i>	5
<i>Changeovers</i>	5
<i>Legislative Update</i>	7
<i>'Pay on time' rule in effect</i>	10
<i>Michigan Friend of the Court: A job well done!</i>	11



Michigan Supreme Court REPORT

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Editor's Note

As I read the articles submitted for this month's issue, I'm struck by how much good news there is from Michigan's judiciary. Even the sobering account of New York's Chief Judge Judith Kaye (*see page 1*) is full of the good news of judges, lawyers, and court employees working in the cause of justice. On a lighter note, Jim Hughes' "Tales from the front" (*see page 3*) shares anecdotes from Region II trial courts. Tim Cole's report on Friend of the Court statistics (*see page 11*) gives us even more reasons to be proud of our justice system and the services it provides. And "Honorable Mentions" (*see page 4*) reminds us that there are many success stories in Michigan's judicial branch.

I encourage you to submit your own "good news story" to *Michigan Supreme Court Report*. Too often, our courts get attention from the media only when something goes wrong. In future issues, I'll suggest ways you can report your success stories—not only to the *Supreme Court Report*, but to your community and local media.

In the meantime, I appreciate hearing from you. You'll see that we've made some changes to *Supreme Court Report*—let me know how you like those changes and give me your suggestions as to how we can improve the *Report*.

—Marcia M. McBrien, Public Information Officer
Michigan Supreme Court

REMINDER: New magistrates required to complete training program

All new magistrates must complete a statutorily-required training program before conducting informal civil infraction hearings (MCL 600.8512). This training program is administered by the Michigan Judicial Institute and consists of two phases. The first phase involves completion of a self-instructional training package, radar ride-along, and one-day mentor visitation. After completion, the magistrate receives provisional authorization to conduct informal hearings.

The second phase of the training process is attendance at the yearly New Magistrate Seminar. Full authorization to conduct informal civil infraction hearings is then granted by the State Court Administrator.

This year's New Magistrate Seminar is scheduled for March 6–8, 2002 at the Sheraton Hotel, Lansing. **New magistrates must have completed Phase I of the training process 30 days in advance of the seminar, or by February 6, 2002, in order to attend the 2002 seminar.** New magistrates completing Phase I requirements after the February 6th deadline will receive provisional authorization to conduct informal hearings; that authorization will extend until the 2003 seminar.

Please call Cathy Cecot at (517) 334-9384, or Cynthia Kruska at (517) 334-8620, at the Michigan Judicial Institute for more information. ☞

Tales from the front: Good news stories from Region II trial courts

by Jim Hughes, Regional Administrator (Region II), State Court Administrative Office

In a recent meeting with Chief Justice Maura Corrigan, I remarked that many trial court judges, administrators and staff do great things every day which advance the administration of justice and promote fairness, accessibility, effectiveness, efficiency, and service. A tremendous part of my job is learning firsthand about these innovative approaches to court business and sharing that information with other Region II trial courts. The Chief Justice then asked me to put together some of these notes for the Supreme Court Report ... so here are some "Good News Stories" from the trial courts:

The **Calhoun County Judicial Council** in Battle Creek hosts a quarterly luncheon meeting which brings together judges, administrators, county officials, and local legislators. "Simple fare" is provided for participants at cost from the county jail kitchen for the one-hour meeting. The gathering provides a regular opportunity for the judiciary to learn about pertinent state legislation. Legislators and key staff also learn about issues facing the courts. Details are available from **Mike Boltz**, (616) 969-6812.

In Grand Rapids, the **17th Circuit Court Family Division** has completely restructured probation services around several key components:

- partnering with community police officers, schools, and community groups;
- involving the entire family in probation services;
- placing probation officers in satellite offices located in the communities where they get cases;
- enforcing violations quickly and forcefully; and
- sharing data and information.

All of these key principles revolve around the goals of reducing recidivism and ensuring public safety. According to **Administrator Jack Roedema**, program evaluation shows that fewer youths are being referred for new felony law violations. Jack can be reached at (616) 632-5137 for more details.

3B District Court in Centreville took responsibility for court warrant entry and retrieval in 1998. **Court Administrator Carol Frohriep** [(616) 467-5520] was initially skeptical about taking on this traditional law enforcement activity. But, Carol reports, court staff have initiated data

entry and retrieval procedures which help maintain timely and accurate records. Clerks enter information on LEIN following magistrate and judicial actions. The result: better compliance with court orders and improved field information for police officers.

The **20th Circuit Court** has instituted "Individual Succession Plans" for court staff promotions in Ottawa County. Clear expectations, training requirements, and necessary skills are set forth for staff interested in promotional opportunities. This approach has helped retain qualified staff, in addition to developing an internal "career track." **Court Administrator Jack Plakke** credits **Pat VerDuin, Juvenile Services Director**, with researching and promoting the effort. Contact Jack or Pat at (616) 846-4100 for details.

Court Administrator Nancy Moylan reports that **Kathy Moubay, a clerk in the 54B District Court** of East Lansing, returned a \$25 payment a man made for a ticket. The "ticket" was actually only a warning. The man was so impressed by Kathy's honesty that he wrote out another check—a \$100 contribution toward East Lansing's collection to aid New York victims of the September 11 terrorist attack. ☞

“... trial court judges, administrators and staff do great things every day which advance the administration of justice ...”



Honorable Mentions

Judge Harvey J. Hoffman of the 56A District Court in Eaton County was named “Judge of the Year” at the annual Michigan Judicial Conference in October 2001. In presenting the award, Judge Leo Bowman, president of the Michigan District Judges Association, cited Judge Hoffman’s work on behalf of Michigan’s Drug Court program. In addition to establishing an alcohol/drug court in Eaton County, Judge Hoffman “has led the effort to initiate other programs throughout the state,” said Judge Bowman. Judge Hoffman, who is president of the Michigan Association of Drug Court Professionals, said he accepted the award “on behalf of the real heroes of this program, the individuals who have successfully completed the drug court program and changed their lives.”

Also during the Judicial Conference, the Michigan District Judges Association honored **former Oakland County Circuit Judge Barry Howard** with the MDJA’s “President’s Award.” MDJA President Judge Leo Bowman praised former Judge Howard, who is now in private practice with Honigman, Miller, Schwartz, and Cohn, as “a judge’s judge.”

The Georgia-based Foundation for Improvement of Justice has recognized **52-1 District Court Judge Brian MacKenzie** for his work with Courts Acting Together for the Community at the Holidays (CATCH). CATCH monitors drunk driving defendants during the Labor Day, Thanksgiving, New Year, Memorial Day, and Fourth of July holidays. The judge was also honored for creating a sobriety court in the Novi courthouse. Judge MacKenzie was one of eight recipients of the Foundation’s national award.

Judge Sylvia A. James, Chief Judge of the 22nd District Court in Inkster and immediate past Chairperson of the Judicial Council of the National Bar Association (NBA), was honored at the NBA’s 76th Annual Convention in August 2001. Judge James is the second jurist from southeastern Michigan to lead the Judicial Council, which is comprised of over 1600 distinguished African-American jurists from across the country. The convention featured the premier showing of *Thirty Years of Trials, Tribulations and Triumphs*, a video that will be shown publicly during Black History Month in 2002.

One of the attendees at a recent conference on criminal law and procedure was **41B District Court Judge Linda Davis**. The Harrison Township judge received a scholarship from the State Justice Institute to attend the six-day conference, sponsored by the American Academy of Judicial Education.

Oakland County Circuit Judge Gene Schnelz was honored by the Women’s Bar Association of Oakland County at their annual Holiday Benefit on December 17. Laura M. Anderson, Vice-President of the Oakland County WBA, said Judge Schnelz’s “personal achievements, though numerous, do not compete with the personal contributions Judge Schnelz has made in Oakland County.” Anderson said the WBA was honoring the judge in part “to show our appreciation for his support of women in the practice of law.”

The **46th Circuit Court**, which comprises Kalkaska, Otsego, and Crawford Counties, was commended by the Michigan Supreme Court recently. The Court praised the 46th Circuit’s seven judges and court employees for “leading the way in demonstrating how we can do things differently and more effectively.” In addition to serving as a Demonstration Project Court, the 46th Circuit was a testing ground for new MCR 1.110, when the court rule was still in its proposal stage. MCR 1.110 requires court-imposed fines and cost to be paid at the time of sentencing. The new court rule went into effect on January 1, 2002. ☞

Editor’s note: “Honorable Mentions” shares news of judges and other members of Michigan’s judicial branch who have been recognized for their professional achievements or contributions to the community. News items must be submitted in WordPerfect or Word format,

either on a floppy disk or as an attached file via e-mail. Please forward items for “Honorable Mentions” to Marcia McBrien, Michigan Supreme Court Reports, at P.O. Box 30052, Lansing, MI 48933, or e-mail them to McBrienM@jud.state.mi.us.

Demystifying scientific evidence

A review of Reference Manual on Scientific Evidence 2d ed. (2000)

by Thomas Smith, MJI Research Attorney

The Federal Judicial Center's (FJC) *Reference Manual on Scientific Evidence 2d ed.* (2000) is now available through the FJC website and three private publishing companies. The manual contains 12 chapters (639 pages), and is written by individual experts, with an introduction by U.S. Supreme Court Justice Stephen Breyer. The manual updates and improves upon the 1994 first edition. While essentially a treatise on scientific evidence, the manual is intended to demystify science and to assist federal judges in managing civil and criminal cases involving complex scientific and technical evidence.

The manual's first three chapters—"The Supreme Court's Trilogy on the Admissibility of Expert Testimony [*Daubert v Merrell Dow Pharmaceuticals, Inc.*, 509 US 579 (1993), *General Electric Co. v Joiner*, 522 US 136 (1997), *Kumho Tire Co. v Carmichael*, 526 US 137 (1999)]," the "Management of Expert Evidence," and "How Science Works"—provide basic infor-

mation about scientific evidence in general, about the impact of *Daubert*, *Merrell*, and *Kumho*, and about how scientific evidence can be incorporated into a civil or criminal case. The nine remaining chapters, each beginning with the title "Reference Guide on," focus on the following scientific topics: statistics, multiple regression, survey research, estimation of economic losses in damage awards, epidemiology, toxicology, medical testimony, DNA evidence, and engineering practices and methods.

The manual may be downloaded free of charge in Adobe Acrobat format from the FJC at <http://air.fjc.gov/public/fjcweb.nsf/pages/16>. Bound versions of the manual may be purchased from **LRP Publications** @ 800-341-7874 x 307 (\$26.95 + \$4.50 ship/hand, 3-ring binder form), **Matthew Bender Publishing Co.** @ 800-833-9844 (\$40.00 + \$3.00 ship/hand + 6% sales tax, softcover), or **West Group** @ 800-344-5009 (\$17.50 + 6% sales tax, softcover). For more information on the FJC, visit their website at <http://www.fjc.gov>.

[*Editor's note:* This article originally appeared in the September 2001 issue of *Michigan Supreme Court Report*. Unfortunately, some errors appeared in that article, which is being run in this issue with corrections. Our apologies to Mr. Smith.] ✎

Changeovers

Deaths

Allen, Glenn S., Jr., former Court of Appeals Judge, passed away November 6, 2001. Judge Allen served the Court of Appeals from December 1973 until his retirement December 1986.

Brickley, James H., former Supreme Court Justice and Chief Justice, passed away September 28, 2001. Justice Brickley served as justice from December 27, 1982 until September 30, 1999.

Byrns, Chester J., former 2nd Circuit Court Judge, Berrien County, passed away November 15, 2001. Judge Byrns served the 2nd Circuit Court from January 1967 until December 1984.

Coleman, Mary S., former Supreme Court Justice and Chief Justice, passed away November 27, 2001. Justice Coleman served the Supreme Court from January 1973 until December 1982. She also served as Calhoun County Probate Judge from January 1961 until December 1972.

Daines, Luther I., former 7th District Court Judge, Van Buren County, passed away October 24, 2001. Judge Daines served the district court from May 1969 until October 1974.

Golden, Charles J., former 1st District Court Judge, Monroe County, passed away October 20, 2001. Judge Golden served the district court from January 1969 until December 1974.

Higgs, Arthur E., former 74th District Court Judge, Bay County, passed away November 19, 2001. Judge Higgs served the 74th District Court from January 1, 1969 until March 2, 1985. He also served as a Municipal Court judge from 1962 until his election to the District Court in 1969.

Kallman, James T., former 30th Circuit Court Judge, Ingham County, passed away November 21, 2001. Judge Kallman served the 30th Circuit Court from January 1973 until November 1, 1990. He also served the Ingham County Probate Court from February 1963 until December 1972.

Newman, Bruce A., Genesee County Probate Judge, passed away December 31, 2001. Judge Newman served the probate court from September 18, 1989 until his death. His term would have expired in 2006.

continued on next page

Deaths (continued from previous page)

Payant, John D., former 41st Circuit Court Judge, Dickinson, Iron and Menominee Counties, passed away November 5, 2001. Judge Payant served the 41st Circuit Court from December 1982 until August 2000.

Sheldon, Robert M., retired judge from the 65th District Court, passed away December 8th. Judge Sheldon served the Gratiot County District Court from December 1971 until he retired in May 1986.

Stoppels, A. Dale, former Kent County Probate Judge, passed away January 17, 2000. Judge Stoppels served the Kent County Probate Court from January 1, 1963 until May 1, 1988.

Sullivan, Joseph B., former Court of Appeals Judge, passed away September 24, 2001. Judge Sullivan served the Court of Appeals from March, 1986 until his retirement in December 1992. Prior to that, he served as 3rd Circuit Court Judge in Wayne County from January 1975 until March 1986.

Taft, William L., former 1st District Court Judge, passed away December 30, 2001. Judge Taft served the 1st District Court from January 1, 1969 to December 31, 1988.

Worcester, George A., former Probate Judge from Mecosta/Osceola Counties, passed away December 25, 2001. He served the probate court from 1973 until his retirement in 1982. Judge Worcester also served as judge of the 77th District Court from January 1, 1969 to December 31, 1972.

Retirements:

Cahill, Patrick T., 31st District Court Judge, retired October 21, 2001. Judge Cahill served the 31st District Court since January 1991.

Lancaster, Arthalu, 67-1 District Court, Genesee County, retired January 15, 2002. Judge Lancaster served the 67th District Court since December 21, 1989. ☞

New York's Chief Judge shares sorrow, inspiration from September 11

continued from page 1

When I think of the best of humanity, I think of jurors and I think of lawyers.

Jurors long ago earned a special place in my heart, but their dedication these recent weeks has been truly exemplary. With lower Manhattan in disorder—the courts inaccessible by phone and virtually unreachable by public transportation—jurors still showed up in the hundreds, despite our announcements over the airwaves and on the Internet. They wanted to contribute, to serve ... [l]ike the retired firefighter who asked for a deferment of jury service because of his commitment to working at Ground Zero. But he refused a long deferment. He asked to be called again in April—he would be ready. And the man who managed to get a message through to the courts from Philadelphia, where he was with family, mourning the loss of his firefighter son, to let us know why he was not responding to his summons. What an extraordinary display of dedication, of patriotism, of commitment to our system of justice ...

I end with a few comments about the New York bar. This is surely a shining hour ... One quick example: The court system worked closely with the Mayor's office to streamline a system for

obtaining death certificates where there are no bodies and no remains. A call went out ... for pro bono lawyers to help families complete the necessary forms. That evening ... [t]he 500-person City bar meeting room was filled to capacity with volunteers; the stairways were filled, and the capacious

“When I think of the best of humanity, I think of jurors and I think of lawyers.”

lobby—all the way out to the street—were filled with overflow ... That sort of response has continued every day since, as lawyers in large numbers show up at the Family Assistance Center and throughout the City and State to volunteer their services ... The New York County Lawyers Association ... will provide a trust and estate lawyer free to every family of a uniformed officer; the New York State Bar Association is focusing on reconstructing law practices for lawyers who have been lost, and for lawyers whose records are destroyed or inaccessible.

Every single day, at some point I am reduced to tears, not only by the senseless grief that has been visited on wonderful people, but also by the incredible goodness and kindness of people around the world.

Every day is definitely better than the last.

—Hon. Judith S. Kaye,

Chief Judge of the State of New York ☞

Michigan Supreme Court Legislative Update

Contact Mike Gadola or Anne Vrooman at (517) 373-0128

Topical List of Contents

**Crimes Against Fetus/
Embryo**
SBs 70-71

Court of Claims
SB 519

Court Reorganization
SB 417, SJR R

Cyber Court
HB 4140

DNA Specimen/Court Fee
HB 4610-13, HB 4633,
SB 389, SBs 393-394

**Gubernatorial Appointment
of Supreme Court Justices**
SJR F

Judicial Retirement
HB 4675, SB 526

Juror Compensation
HB 4090, HBs 4551-4553,
HB 4798

SOCC
SJR D

Domestic Violence
HB 4855, HB 5273, HBs
5275-5276, HB 5281, HB
5299, HB 5300, HBs 5303-
5304, SBs 721-723, SB 725,
SB 729, SBs 735-736, SBs
753-754, SBs 757-758

Judicial Resources
SB 76, SBs 764-766, SB 786,
SB 825, HB 4788, HB 5357

HBs 4090, 4551-4553, 4798

SUMMARY: Courts; juries; juror compensation; increase.

SPONSOR: HB 4090—Switalski; HB 4551—Newell; HB 4552—Daniels; HB 4553—Richner; HB 4798—Richner

INTRODUCTION DATE: HB 4090—01/31/01; HB 4551-53—4/17/01; HB 4798—5/22/01

CURRENT STATUS: HBs 4090, 4551, 4553, 4798—10/18/01 passed House; referred to Senate Committee on Judiciary. HB 4552—11/8/01 referred to Senate Committee on Judiciary

COMMENTS: The bills would increase juror compensation for the second or subsequent day of actual attendance from \$7.50 to \$20 per half day and from \$15 to \$40 per full day. The bills would finance this increase through creation of a state-level juror compensation reimbursement fund to reimburse local units for the increased juror costs. The funding source would consist of an increase from \$25 to \$50 in the driver's license clearance fee, an increase in the circuit court jury demand fee from \$60 to \$85, and an increase in the district court jury demand fee from \$40 to \$50. The bills have passed the House and are now pending in Senate committees.

HB 4140

SUMMARY: Courts; other; cyber court; create.

SPONSOR: Shulman

INTRODUCTION DATE: 02/06/01

CURRENT STATUS: HB 4140 (PA 262)

COMMENTS: The bill passed both the House and Senate without opposition. The bill passed the Senate on the last day of session for 2001. The enrolled bill was presented to the Governor on 12/26/01.

Signed by the Governor on 1/9/02.

HBs 4610-4613, 4633; SBs 389, 393-394

SUMMARY: DNA specimen of all persons convicted of a felony; require.

SPONSOR: HB 4610—Faunce; HB 4611—Julian; HB 4612—Kowall; HB 4613—George; HB 4633—O'Neil; SB 389—Van Regenmorter; SB 393—McCotter; SB 394—Bullard

INTRODUCTION DATE: HB 4610-13; SBs 389, 393—4/18/01; HB 4633—4/19/01; SB 394—4/15/01

CURRENT STATUS: HB 4610 (PA 88); HB 4611 (PA 91); HB 4612 (PA 86); HB 4613 (PA 89); HB 4633 (PA 85); SB 389 (PA 87); SB 393 (PA 90); SB 394 (PA 84)

COMMENTS: Bills signed by the Governor on 7/26/01.
continued on next page

HB 4675 & SB 526

SUMMARY: Retirement; judges; rate of retirement allowance; revise.

SPONSOR: HB 4675—Allen; SB 526—North

INTRODUCTION DATE: HB 4675 – 4/26/01; SB 526 – 6/6/01

CURRENT STATUS: HB 4675—12/12/01 passed House, Referred to Senate Committee on Judiciary. SB 526—Referred to Senate Committee on Judiciary

COMMENTS: The bills provide a one-time increase in retirement benefits for judges who retired between 1980 and 1998. The Allen bill (HB 4675) passed the House and was referred to the Senate Judiciary Committee.

HBs 4855, 5273, 5275-5276, 5281, 5299, 5300, 5303-5304; SBs 721-723, 725, 729, 735-736, 753-754, 757-758

SUMMARY: Domestic violence package.

SPONSOR: HB 4855—Richner; HB 5273—Toy; HB 5275—Faunce; HB 5276—Richardville; HB 5281—Hummel; HB 5299—Bovin; HB 5300, SBs 723, 753, 758—Johnson; HB 5303—Mortimer; HB 5304—Kooiman; SB 721—Garcia; SB 722—Goschka; SB 725—Sikkema; SBs 729, 754, 757—Hammerstrom; SB 736—Scott; SB 735—Bullard

INTRODUCTION DATE: 10/17/01 and 10/18/01

CURRENT STATUS: HB 4855 (PA 195); HB 5273 (PA 196); HB 5275 (PA 197); HB 5276 (PA 198); HB 5281 (PA 189); HB 5299 (PA 200); HB 5300 (PA 201); HB 5303 (PA 202); HB 5304 (PA 194); SB 721 (PA 203); SB 722 (PA 204); SB 723 (PA 190); SB 725 (PA 205); SB 729 (PA 206); SB 735 (PA 208); SB 736 (PA 193); SB 753 (PA 209); SB 754 (PA 210); SB 757 (PA 211); SB 758 (PA 212)

COMMENTS: The package makes changes in many areas. Several of the new public acts concern personal protection orders, addressing elements of their issuance, of their service, of an individual's arrest upon an alleged violation, and of court

reporting upon disposition. Several other bills aim to ensure that personal protection orders issued in other states enjoy full faith and credit in Michigan. Other changes include requiring that friends of the court receive training on the dynamics of domestic violence, providing for the creation of local domestic violence death review teams, and expanding the definition of domestic relationship to include a current or former dating relationship. Additional issues the package addresses concern the sealing of court records, law enforcement reporting of domestic-violence-related crimes, and the issuance of interim bond to persons held for domestic assault.

SBs 70-71

SUMMARY: Enact sentencing guidelines for crime of killing fetus or embryo.

Expand certain crimes against prenatal children to include death to the embryo or fetus.

SPONSOR: SB 70—Schuette; SB 71—Van Regenmorter

INTRODUCTION DATE: 2/1/01

CURRENT STATUS: SB 70 (PA 2); SB 71 (PA 1)

COMMENTS: Signed by the Governor on 4/17/01.

SB 417

SUMMARY: Courts; reorganization; merger of probate and circuit courts; provide for.

SPONSOR: Van Regenmorter

INTRODUCTION DATE: 4/24/01

CURRENT STATUS: Senate Judiciary Committee

COMMENTS: This is the statutory component of Senator Van Regenmorter's court reorganization proposal.

MEDIA TIP: DON'T GET LOST!

When sending out a press release, always follow up with a telephone call. Many reporters receive hundreds of pages of press releases each day. A follow-up call will help make sure your release isn't lost in the crowd. Several reporters usually share the same fax machine. If you fax your release, use a large font for the recipient's name on the cover page, so that your release reaches the right person.

SB 519

SUMMARY: Courts; circuit courts; court of claims; revise.

SPONSOR: Sikkema

INTRODUCTION DATE: 5/30/01

CURRENT STATUS: Senate Judiciary Committee

COMMENTS: This bill, which has not received any consideration in committee, would divide the Court of Claims into 5 districts along the lines of the current COA districts, but with a separate district for the Upper Peninsula. Senator Sikkema introduced a bill in the last session that would have abolished the Court of Claims altogether.

SBs 76, 764-766, 786,; 825; HBs 4788 & 5357

SUMMARY: Judicial Resources Bills.

SPONSOR: SB 76—Bullard; SB 764—Cherry; SB 765—Bullard; SB 766—Miller; SB 786—Steil; SB 825—Van Regenmorter; HB 4788—Patterson; HB 5357—Howell

INTRODUCTION DATE: SB 76—2/1/00; SBs 764-766—10/23/01; SB 786—10/24/01; SB 825—11/27/01; HB 4788—5/17/01; HB 5357—10/29/01

CURRENT STATUS: SB 76 (PA 252); SB 764 (PA 253); SB 765 (PA 254); SB 766 (PA 257); SB 786 (PA 255); SB 825 (PA 256); HB 4788 (PA 258); HB 5357 (PA 251)

COMMENTS:

The bills, signed by the Governor on 1/8/02, accomplish the following:

- Add 2 judgeships to the 6th (Oakland) Circuit effective 1/1/03.
- Add 2 judgeships to the 16th (Macomb) Circuit effective 1/1/03.
- Add 1 judgeship to the 7th (Genesee) Circuit effective 1/1/03.
- Convert an existing Probate judgeship into a Circuit judgeship in Genesee County effective 1/1/05.
- Add 2 judgeships to the 17th (Kent Circuit) effective 1/1/03.
- Add 1 judgeship to the 20th (Ottawa) Circuit effective 1/1/05.
- Add 1 judgeship to the 21st (Isabella) Circuit effective 1/1/05.
- Add 1 judgeship to the 35 District (Plymouth) effective 1/1/03.
- Eliminate 1 judgeship in 3rd Circuit effective 1/1/03.
- Eliminate 2 judgeships in 3rd Circuit effective 1/1/05.
- Eliminate 1 Wayne Probate judgeship by attrition.
- Eliminate 1 judgeship in the 31st District (Hamtramck) effective immediately.
- Eliminate 1 judgeship in the 30th District (Highland Park) by attrition.
- Eliminate 1 judgeship in the 68th District (Flint) by attrition.

SBs 677 & 808

SUMMARY: Secondary road patrol/jail funding.

SPONSOR: SB 677—Hoffman; SB 808—Koivisto

INTRODUCTION DATE: SB 677—9/26/01; SB 808—10/31/01

CURRENT STATUS: SB 677 (PA 213); SB 808 (PA 214)

COMMENTS: SB 677 (PA 213) increases the Secondary Road Patrol and Training Fund assessment to \$10.00 for each civil infraction determination except for a parking violation or a violation for which the total fine and costs imposed are \$10.00 or less. It also adds a new Jail Reimbursement Program Fund assessment of \$5.00 for each civil infraction determination for a parking violation or a violation for which the total fine and costs imposed are \$10.00 or less.

SB 808 (PA 214) prohibits the waiver of a civil fine ordered upon a determination that a person is determined responsible or responsible with explanation for a civil infraction pursuant to sections 741 to 750 of the Vehicle Code, unless costs ordered are also waived.

Signed by the Governor 12/27/01.

continued on next page

SJR D

SUMMARY: State; employees and officers; adoption of SOCC recommendation for next legislative session; require legislative approval.

SPONSOR: McCotter

INTRODUCTION DATE: 2/01/01

CURRENT STATUS: Conference Report pending in Senate.

COMMENTS: The Conference Committee adopted a report that is now pending in the Senate. Under the proposal of the Conference Committee the Legislature would have to approve SOCC recommendations by majority vote. The Legislature could also reduce and then approve pay increases recommended by the SOCC. The Attorney General and Secretary of State would also be included in the SOCC process.

SJR F

SUMMARY: Courts; supreme court; gubernatorial appointment of supreme court justices; provide for.

SPONSOR: Sikkema

INTRODUCTION DATE: 2/02/01

CURRENT STATUS: Senate Government Operations Committee

COMMENTS: This proposal has not been taken up in committee and there are no known plans to do so.

SJR R

SUMMARY: Courts; reorganization; merger of probate court and circuit court; allow and make related amendments regarding the judicial branch.

SPONSOR: Van Regenmorter

INTRODUCTION DATE: 3/29/01

CURRENT STATUS: Senate Judiciary Committee

COMMENTS: This is the constitutional amendment leg of Senator Van Regenmorter's court reorganization proposal, which essentially involves a merger of the probate and circuit courts. ☞

'Pay on time' rule now in effect—And in the news

On New Year's Eve, what was one of the lead stories on a Detroit television news station? What high-profile news story broke the same day that anthrax spores were found in the White House mail room? The answer is MCR 1.110 – the new court rule that encourages prompt payment of court-imposed fines and costs.

It's not surprising that MCR 1.110 has garnered so much media attention, from *The Detroit News* to the *Sault St. Marie Evening News*. The court rule, which went into effect on January 1, will affect a wide range of cases. Michigan judges, such as **Judge Michael MacDonald of the 91st District Court** in Sault St. Marie, are issuing press releases to inform their communities, and the local bar, about the new rule.

MCR 1.110 provides that “[f]ines, costs, and other financial obligations must be paid at the time of assessment, except when the court allows otherwise for good cause shown.” “Good cause” includes not being able to afford payment. Monies from court fines typically go to local governments, including counties and municipalities. The Supreme Court issued the rule after testing it in a pilot program in two state courts, 46th Circuit Court and Iron County Circuit Court. The Supreme Court also held a public hearing and asked for public comment before issuing the rule.

Michigan court rules allow judges to waive or suspend costs and fees for those who cannot afford to pay (MCR 2.002). In addition, collection standards issued by the State Court Administrative Office suggest community service and installment payments as options for indigent defendants, as well as tailoring fines to a defendant's ability to pay. More information about collection practices is available on the Supreme Court's web site at <http://courts.michigan.gov/scao/resources/standards/index.htm#collect>.

The Supreme Court Office of Public Information recently issued a “form press release” for the convenience of trial courts seeking to inform local media about MCR 1.110. If you would like a copy of this press release, please contact Marcia McBrien at McBrienM@jud.state.mi.us. ☞

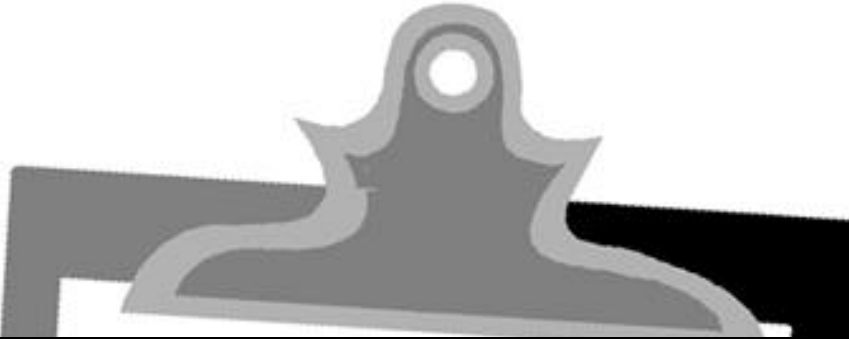
Michigan Friend of the Court: A job well done !

Kudos are due to Michigan's Friend of the Court employees! In tracking Friend of the Court offices' activities for 1999 and 2000, the SCAO Friend of the Court Bureau discovered improvements in 12 categories. These improvements can be attributed to many factors—one of which is the hard work and dedication of FOC employees.

It's worth noting that the increase in these activities were achieved with a somewhat smaller state-wide 2000 caseload. The 1999 caseload was 838,420; in 2000, it was 837,364.

On the national level, Michigan is a stand-out, as determined by data collected by the Office of Child Support Enforcement (OCSE). According to the OCSE, \$17.9 billion in child support payments were collected in 2000, with a total national caseload of 17.4 million. The amount of child support collected nationally per full-time employee (FTE) was \$306,927. Based on figures released by the OCSE, **Michigan had \$509,418 collected per FTE—more than \$200,000 per FTE above the national average!** Only two other states, South Carolina and Wisconsin, had higher collections per FTE than Michigan.

If you have any questions concerning Friend of the Court statistical data, please contact Timothy J. Cole at (517) 373-9663 or ColeT@jud.state.mi.us. ☞



	1999	2000	Percentage Difference
Support Collected	\$1,407,164,644	\$1,450,363,326	+3%
Petitions Filed	25,001	27,307	+9%
Total Recommendations	105,816	108,534	+3%
Show Cause Hearings Requested Support	202,777	210,457	+4%
Show Cause Hearings Requested Parenting Time	4,136	4,821	+17%
Show Cause Hearings Requested Health Care	4,335	5,215	+20%
Show Cause Hearings Make-Up Parenting Time	693	700	+1%
Intercepts Submitted	815,559	823,206	+1%
Reviews Completed	30,811	42,278	+37%
License Suspension Notices	1,202	2,910	+142%
Stipulations and Orders	25,042	41,712	+67%
Health Care Compliance Notices Sent	17,018	20,827	+22%

February 2002

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| 4-5 | Michigan Association of Drug Court Professionals 3 rd Annual Conference, Renaissance Center-Marriott Hotel, Detroit | 20-21 | Evidence Symposium, Hotel Baronette, Novi |
| 13 | New Court Administrator Orientation, Michigan Judicial Institute Office, Lansing | 27-28 | Train The Trainer 2002, Creating, Implementing, and Managing Effective Training, Sheraton Hotel, Lansing |

March 2002

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| 5 | Untangling the Web, ARC, East Lansing | 14 | Southwest Michigan Probate Judges' Association, Gull Road Complex, Kalamazoo |
| 6-8 | New Magistrate Seminar, Sheraton Hotel, Lansing | 26-27 | Domestic Violence Summit, Sheraton Hotel, Lansing |
| 7 | Michigan Court Forms Committee, Michigan Judicial Institute, Lansing | Date TBD | Collection of Fines and Costs Seminar, Michigan Judicial Institute, Lansing |
| 7 | Court Security Coordinator, Interactive Video Conference, various locations | | |

Michigan Supreme Court REPORT

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